

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;)	Civ. No. CV03 00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
)	PLAINTIFF WAYNE BERRY'S
vs.)	MOTION IN LIMINE TO
)	EXCLUDE EXPERT TESTIMONY
HAWAIIAN EXPRESS SERVICE,)	OF BRADLEY DECHTER
INC., a California corporation; et al.)	
)	
Defendants.)	
_____)	

**PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE
EXPERT TESTIMONY OF BRADLEY DECHTER**

Comes now Plaintiff WAYNE BERRY, by and through his attorneys, Lynch Ichida Thompson Kim & Hirota, and moves this Honorable Court for an order prohibiting Defendants offering the expert testimony of Bradley Dechter.


The Motion is brought on grounds that Mr. Dechter has not reviewed the Berry system and therefore has no relevant testimony regarding the effect of that system on the Fleming Companies, Inc. operations.

This motion is made pursuant to Rules 401 and 402 of the Federal Rules of Evidence, and is based on the memorandum of law attached hereto, the records and files herein, and such other matters as may be presented to the Court at the

hearing of this matter.

Dated: Honolulu, Hawaii

JAN 3 2006



TIMOTHY J. HOGAN
Attorney for Plaintiff
Wayne Berry